

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

TIMOTHY JACKSON,
Plaintiff,

v.

LAURA WRIGHT, ET AL.,
Defendants.

C.A. No. 4:21-cv-00033

DEFENDANTS' NOTICE OF APPEAL

Defendants, Laura Wright, Milton B. Lee, Melisa Denis, Mary Denny, Daniel Feehan, A.K. Mago, Carlos Munguia, and G. Brint Ryan, each in their official capacities as members of the Board of Regents for the University of North Texas ("UNT") System ("Board Defendants"); Rachel Gain; Ellen Bakulina; Andrew Chung; Diego Cubero; Steven Friedson; Rebecca Dowd Geoffroy-Schwinden; Benjamin Graf; Frank Heidlberger; Bernardo Illari; Justin Lavacek; Peter Mondelli; Margaret Notley; April L. Prince; Cathy Ragland; Gillian Robertson; Hendrik Schulze; Vivek Virani; and Brian F. Wright ("Defamation Defendants") (collectively "Defendants"), file this Notice of Appeal to the United States Court of Appeals for the Fifth Circuit from the Order entered on January 18, 2022.¹ Defendants moved to dismiss all claims based on, among other things, sovereign immunity and Plaintiff's lack of standing.²

The order denying the motion to dismiss is immediately appealable under the collateral order doctrine.³ This notice divests this Court of jurisdiction during the pendency of the appeal

¹ Dkt. 47.

² Dkt. 8, 21.

³ *Whole Woman's Health v. Jackson*, 21-50792, 2021 WL 4128951, at *6 (5th Cir. Sept. 10, 2021) ("Our court has jurisdiction under the collateral order doctrine to immediately review the State Defendants' appeal contesting the

because Defendants asserted threshold jurisdiction challenges against all claims brought by Plaintiff in this lawsuit.⁴ And this Court has exercised supplemental jurisdiction over state law claims based on its finding that “both the First Amendment and the defamation claims arise from a common nucleus of operative fact.” Dkt. 47 at 27. Thus, this appeal will necessarily subsume and address all aspects of this Court’s order. Based on the cited Fifth Circuit precedent, all proceedings in this Court are suspended pending resolution of the appeal.

Dated: February 1, 2022

Respectfully Submitted.

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order denying their Eleventh Amendment immunity defenses.”); *see also P.R. Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 141 (1993); *City of Austin v. Paxton*, 943 F.3d 993, 996 (5th Cir. 2019).

⁴ *See Whole Woman's Health*, 2021 WL 4128951, at *6 (“[T]he notice appealing the order ‘divest[s] the district court of its control over those aspects of the case involved in the appeal.’”) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982)); *see also Wooten v. Roach*, 964 F.3d 395, 412 (5th Cir. 2020); *Williams v. Brooks*, 996 F.2d 728, 729–30 (5th Cir. 1993).

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CERTIFICATE OF SERVICE

I certify that on February 1, 2022 the foregoing was filed electronically via the Court's CM/ECF system, causing electronic service upon all counsel of record.

/s/ Courtney Corbello
COURTNEY CORBELLO
Assistant Attorney General

NOTICE OF ELECTRONIC FILING

I, **COURTNEY CORBELLO**, Assistant Attorney General of Texas, certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing in accordance with the Electronic Case Files system of the United States District Court for the Eastern District of Texas, on February 1, 2022.

/s/ Courtney Corbello
COURTNEY CORBELLO
Assistant Attorney General